

November 3, 2004

The work session of the Riverton Borough Council was held on the above date. Mayor Martin presiding.

**PRESENT:** Council members Villari, Smyth (arrived at 7:30pm), Gilmore, Cesaretti, Alls-Moffatt and Solicitor Bruce M. Gunn

**ABSENT:** Council member Daniel

The following statement was read by Mayor Martin:

(a) Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Municipal Clerk in the following manner:

(b) Having written notification of this meeting published in the Burlington County Times on October 22, 2004

Posting written notice on the official bulletin board on October 19, 2004

**Public Comment regarding the Broad Street Enhancement Grant (from Lippincott Avenue to Cinnaminson Street) Dante Guzzi, Engineer present.** Notices concerning the required public comment relative to this grant were placed in both the Courier Post and Burlington County Times newspapers. Copies of the proofs of publication are attached. It should also be noted that all property owners within 200' of the proposed project were sent written notification that public comment on this project would be taken at this meeting. Notices were also placed at various locations throughout the Borough

Mr. Guzzi stated that the Borough received a grant in the amount of \$335,000.00. The monies are to be utilized to enhance the Broad & Main intersection by creating a combination of traffic calming and beautification of this location. Mr. Guzzi stated that we are in the conceptual design phase and that tonight we are presenting it to the public for their comments on this project. Mr. Guzzi then reviewed a rendering of the proposed project. Mr. Guzzi stated that we would be realigning Broad Street that the intersection of Broad & Main Streets will be reconstructed to create a brick plaza with a gazebo, lights, fixtures, brick sidewalk and benches. Mr. Guzzi stated that the new brick sidewalk will be extended to Lippincott Avenue and would also be placed across from the stores on 600 Main Street. Crosswalks will also be installed. Mr. Gilmore also provided an overview of this project for those in attendance. Mr. Gilmore stated that the Borough must comply with all Federal, State, and County laws regarding this grant. Mr. Gilmore stated that the town clock will be operational once this project is completed.

**Judy Codella, 101 Thomas Avenue,** commented that the project sounds wonderful. She asked when the project would commence. Mr. Guzzi responded construction will start in early spring on this project.

**Fred DeVece 700 Cedar Street,** asked if what is being presented here tonight is basically what was discussed and reviewed two years ago. Mr. Gilmore responded yes.

**Nancy Washington, 201 Main Street,** asked if this project was covered 100% by this grant, or would we have to incur some costs. Mr. Guzzi responded that the grant is covering 100% of the construction costs and all the inspection and administration costs.

Mr. Guzzi commented that a portion of the design work is not covered. Mrs. Washington questioned how people would drive out of the bakery once this project is complete. Mr. Gilmore commented that you won't be backing out of this parking lot anymore.

**Robert E. Smyth, 1 Bank Avenue,** asked if the scope of work is limited to the downtown area. Could any of this go towards improvement on the pocket parks at the riverbank? Mr. Guzzi stated that the grant is limited to the Broad Street corridor because it is a transportation enhancement grant.

Mrs. Alls-Moffatt asked Mr. Guzzi when he would be sending his designs into the state. Mr. Guzzi responded that the finalized design would be submitted within the next several weeks to the Department of Transportation, Department of Environmental Protection as well as the County. Mrs. Alls-Moffatt asked if the design would be submitted by the end of the month. Mr. Guzzi responded yes. Mr. Guzzi stated that we would then have to wait until the required reviews are done. Mr. Guzzi stated that we would probably

be going out to bid sometime after the 1<sup>st</sup> of the year with construction in early Spring. Mr. Cesaretti asked if there is an anticipated start date as to when the County will re-pave Broad Street. Mr. Guzzi responded that nothing has formally been set. The County has been waiting for this project as well as Palmyra's to be complete before starting.

**Thomas Wheelhouse, 600 Main Street** asked if the speed limit would be changed along Broad Street. Mr. Guzzi stated that there has been no discussion regarding this from our end or the County's.

**Joan Leslie, 502 Cinnaminson Street**, asked how large the gazebo would be. Would it be large enough to hold a 15 piece band? Mr. Gilmore commented that it is 12' in diameter.

**Cindy Vee, 403 Bank Avenue**, asked if we would be using bricks for the crosswalks or some type of simulation. Mr. Guzzi stated that the State's Historic Preservation Office who reviewed this project don't want or would approve any crosswalk type of treatment except for the regulatory required white stripes. Ms Vee asked if the corner near the bakery would be rounded instead of pointed. Mr. Guzzi commented that the corner would be softer to make it easier for people to make turns.

**William Harris, 502 Cinnaminson Street**, suggested that we rename Church Lane to Tin Cup Alley.

**Michael Heine, 206 Carriage House Lane** asked if our Architectural Review Committee has reviewed these drawings to make an assessment of proportions, scale suitability, visibility and the implications of the placement of a gazebo. Mr. Gilmore commented that the drawings were previously presented to that committee several months ago.

There was no further public comment on this project. Mayor Martin thanked everyone who attended.

#### **RESOLUTION 97-04**

#### **A RESOLUTION OF THE BOROUGH OF RIVERTON APPROVING CONTRACT CHANGE ORDER NO. 1 REGARDING THE 2004 ROAD PROGRAM (IN FULL IN RESOLUTION BOOK)**

Mrs. Villari announced that we are required to do a Change Order for this project. Mrs. Villari explained that this Change Order consists of quantity adjustments of contract items to reflect actual conditions encountered in the field. Mrs. Villari further explained that there will be a reduction of \$836.10 to the amount of the original contract. The original amount for this contract was \$37,675.00. The revised contract total will now be \$36,838.90.

The above Resolution was read by title only by Mrs. Villari, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye

**Discussion: Possible revaluation of all properties in Riverton (County Tax Administrator, Lawrence Vituscka and Borough Tax Assessor, Tom Davis, present)**

Mr. Vituscka stated that he had previously written a letter to Council informing them that the Director of the Division of Taxation's ratio in Riverton is 72.05 and the Coefficient of Deviation is 18.97. (Coefficient is an index of assessment inequality or a coefficient of variation between property classes) It should be noted that these figures were as of April, 2004. As of June 2004 the figure dipped to 65%. Mr. Vituscka is approaching Council at this time to initiate a revaluation program. Mr. Vituscka is not looking forward to this process being completed by next year; however, the Board will work with the Borough to get this project going. Mr. Vituscka stated that the Tax Board does not like to issue a court order in this regard. Mr. Vituscka commented that on behalf of the Tax Board, they will lend us whatever assistance is necessary regarding the preparation of specifications that will be needed. Mr. Vituscka stated that the time line is flexible; however revaluation is long past due for Riverton. Mr. Cesaretti asked how long it has been since Riverton's last revaluation. The response was 1989. Mr. Vituscka commented that if a court order were

issued to Riverton to do a revaluation, specifications would need to be done quickly and the process completed within a 12 month time frame. Mr. Vituscka would rather see a good job done over the right amount of time. Mr. Cesaretti asked if everyone's taxes would go up when a revaluation is done or is it a total redistribution of the total tax amount? Mr.

Vituscka stated that a revaluation brings all of the assessments up to market value. It will redistribute tax burdens based on the relationship of the current assessment of that property to its real market value. Property owners could either see an increase in taxes, a decrease in taxes or no change. Mr. Vituscka stated that a revaluation will not generate any additional money for the Borough. Mr. Vituscka commented that after a revaluation is done all real properties will be valued a 100 percent of market value. The benefits are that you're taxing people fairly, you're taxing their properties at market value, and the community gets a better share of county taxes. Mr. Gilmore asked what happens 5 years down the road if the ratio goes back down to around 60%? Is there a way that our Tax Assessor can raise the values up to a certain level? Mr. Vituscka suggested that as part of the revaluation process, the Borough should get a mechanized system for the Tax Assessor, so that he has the ability to increase or decrease neighborhoods as the market changes. Mr. Vituscka stated that there is a software package available to do this. Mr. Vituscka commented that an outside agency needs to do the revaluation. Mr. Vituscka commented that the average cost for a revaluation runs between 65 and 75 dollars per line item (number of parcels of properties). Mr.

Vituscka commented that right now there are only 4 or 5 active firms that do this type of work. Mr. Cesaretti asked what a full revaluation entails. Mr. Vituscka stated that the firm selected would have to inspect all properties (making three valid attempts to gain access), measure each property, and take the lot sizes off of our tax maps. Mr. Vituscka stated that our tax maps would need to be approved by the State for revaluation purposes. Mr. Davis commented that Riverton has approximately 1000 line items. Mr. Davis anticipates that it would run 75 dollars per line item. Mr. Vituscka stated that an ongoing computer system should be incorporated with the revaluation project. Mr. Vituscka stated that the revaluation process could be bonded over a five year period. Council needs to make the decision regarding moving forward with the revaluation process. Mr. Vituscka's office will work with them. Mr. Vituscka stated that the longer Riverton waits, the more costly it becomes. Mrs. Alls-Moffatt asked what would happen if we don't address this issue. Mr. Vituscka stated that when the ratio gets below 65% the Tax Board will make a decision to issue a court order. Mr. Cesaretti asked if a court order were to be issued, does that take away Council's ability to choose who would do the revaluation? Mr. Vituscka commented no, but the Judge would issue a specific time frame for the work to be done. Mayor Martin asked what the costs would be to computerize the Assessor's portion. Mr. Davis commented that he didn't think it would be a huge cost but there would be an annual fee involved. Mr. Davis feels that if we are going to spend the money for the revaluation, we should have the ability to make changes down the road. Mr. Vituscka stated that once a full revaluation is completed, the State is allowing communities to do partial inspections during a 3-5 year window before a total revaluation needs to be done again. Some kind of reassessment should be done every five years. You don't want values to keep rising and assessments to sit still. Mr. Cesaretti and Mrs. Villari asked what steps should be taken to initiate a revaluation. Mr. Vituscka commented that the Solicitor should be involved as well as our Tax Assessor. The Auditor will also need to be brought in to guide Council through the financial end of this process. Mr. Vituscka stated that our bid for the revaluation should include a lot of public relations background. The more public relations the better it is to get the job done.

**William Harris, 502 Cinnaminson Street**, believes we are being led down the primrose path. He doesn't believe this will solve any problems. He feels it will create a lot of intrusion on people's private property. Mr. Harris doesn't see the need to spend this money at this time.

**Robert E. Smyth, 1 Bank Avenue**, commented that he thought we should determine how other towns have responded to this. Mr. Smyth thinks a court order might not be a bad idea.

Mr. Cesaretti doesn't see the reason to stall the revaluation process, since the last one was done in 1989. Mrs. Alls-Moffatt does not think we would benefit from anything by waiting for a court order. Our Solicitor commented that the public relations aspect of a revaluation is extremely important. Martin Martin suggested that we dovetail this issue with the Finance/Admin. Committee when we prepare next year's budget. Mr. Gilmore stated that this issue should be addressed by the Finance Committee of the Borough Council and not the ad hoc Finance/Admin. Committee. Mr. Vituscka thanked Council for giving him the opportunity to address them tonight.

**Discussion: Planner's proposed revisions to Development Fee Ordinance and recommendation from Planning Board.** Mrs. Alls-Moffatt read a memo from the Planning Board Secretary regarding this issue. Mr. Palmer stated that the Board reviewed and discussed these revisions, made a motion which was seconded and unanimously approved that the Planning Board recommends that Borough Council consider these revisions. It was the consensus that this proposed Ordinance be placed on next week's agenda for first reading.

**Mayoral Appointment to the Planning Board.** Mayor Martin announced that he was appointing Christopher Halt to serve as a regular member of the Municipal Planning Board. Mr. Halt fills the unexpired term of Christian Hochenberger, who recently resigned from the Board. Mr. Halt's term will expire on December 31, 2004.

**Discussion: Possible Attendance Policy for Boards and Commissions.** Council reviewed a draft resolution prepared by our Solicitor regarding this issue. Mrs. Villari stated that she believes this Resolution is important and asked Council to consider adopting it. A discussion then ensued. It was the consensus of Council to place this Resolution on next week's agenda for consideration.

**Discussion: Giving the Finance/Admin Committee permission to review and recommend proposed capital expenditures prior to Council's final approval.** It was the consensus of Council to table this discussion for now.

**Update Re: Possible Noise Ordinance.** Our Solicitor stated that this is a model State Ordinance which regulates noises in the community. Mr. Gunn stated that Council could adopt an option to the Ordinance regarding barking dogs. In speaking to the people who framed this ordinance, Mr. Gunn commented that some towns have the number of barks per minute measured. From an enforcement standpoint, Mr. Gunn stated that this ordinance requires someone certified that has training to operate a noise meter. If this Ordinance is adopted it has to be approved by the Department of Environmental Protection and we would have an obligation to enforce it. Penalties can be incurred if it is not enforced. We would have to make sure the Borough would have someone certified to measure the sounds. Mr. Cesaretti asked what was on the books right now. Mr. Gunn stated we have a Nuisance Code that is enforced by the County Board of Health. Mr. Gunn suggested that Council thoroughly read the ordinance and discuss it again. If we don't have the personnel to enforce it, we probably should not have it. Mr. Cesaretti asked the Chief for his opinion regarding enforcement aspect of this Ordinance. The Chief thought it would be too hard to enforce. The Chief commented that some towns have barking dog ordinances that we could review. He will obtain copies for Council's review. This issue was referred to the Public Safety Committee who will make recommendations to Council.

**Discussion: Possible Stream Corridor Protection Ordinance.** Michael Robinson of the Environmental Commission stated that his members have previously encouraged Council to establish a Stream Corridor Protection Ordinance. This Ordinance would basically prevent extensive development along the creek. It would only affect the area along National Casein from the sewer plant up to Broad Street, with 100' setbacks. Mr. Robinson stated that the only other location that might be impacted by this would be the proposed development behind the Cedar Lane Manor Apartments. Mr. Robinson stated that the

Environmental Commission will be opposing that proposed development in its present form. Mr. Robinson stated that homeowners should not be affected by this Ordinance. Mr. Robinson reviewed a recent memo sent to Council which suggests criteria for this Ordinance. This memo is on file with the Municipal Clerk. Mr. Robinson stated that the Commission members are not experts in this field and suggested that the Borough seek professional guidance. Mayor Martin asked if Council were to consider this ordinance, would it be a problem for the Cedar Lane application presently before the Zoning Board. Our Solicitor stated that first this memo should be reviewed by our Planner to make sure it is consistent with other portions of the Master Plan. Mr. Cesaretti asked if an application has already been submitted and we change the rules, does the applicant have to meet the criteria or do they only have to meet what was on the books when they made the application. The Solicitor needs to research that. However, Mr. Gunn thought they would have a good argument that they should be bound by what was on the books at the time of their application. Mr. Robinson stated that the Environmental Commission is not trying to get this through in order to stop the Cedar Lane Manor application. They would just like to see this Ordinance in place before any further development is considered. It was the consensus of Council to forward the Environmental Commission's memo to Tamara Lee, Planner for her review and recommendation.

**Fred DeVece, 500 Cedar Street**, expressed concern that this proposed Ordinance may effect the potential development of the Nuway property if it is adopted.

**Preliminary agenda for November 10.** The Clerk reviewed this with the Governing Body.

#### **Meeting open to the public**

**Michael Heine, 206 Carriage House Lane**, commented that he didn't feel that Mr. DeVece, as a member of the Zoning Board, should have participated in any discussion regarding the implications of these potential changes. Mr. Heine believes Mr. Robinson articulated the reasons why this ordinance should be considered. Mr. Heine believes Council should consider this ordinance for first reading next week. Mrs. Villari and Mrs. Alls-Moffatt stated that they support this Ordinance. Mayor Martin expressed concern that by adopting this Ordinance there maybe implications regarding the Cedar Lane application presently before the Zoning Board. Mr. Gunn stressed the importance of having our Planner review the Environmental Commission's memo and make a recommendation to Council for next week's meeting.

Mr. Heine applauded Mrs. Villari for moving the attendance policy. Mr. Heine then presented an overview of what standards he would like included in this policy.

**Brad Young, 907 Cedar Street**, believes we should go easy and be flexible with an attendance policy, because we have enough trouble trying to get volunteers to serve.

**James Moffatt, 202 Fulton Street**, stated that when people volunteer to serve on a Board they should attend in a reasonable fashion. Mr. Moffatt then asked if Council could review the fees charged for certified copies of vital records. He thinks they may be too high.

**William Harris, 502 Cinnaminson Street**, feels that Council has not properly addressed various concerns that have been previously discussed. He believes Council should pursue the possible purchase of the property on Howard Street owned by Mr. Matera (Garages). This area could then be used for additional parking.

Mr. Harris raised concern about cats that run a large as well as the barking dog issue. He believes something should be done about this.

Mr. Harris believes Council should be pressuring New Jersey Transit about the horns blowing at the grade crossings. It was the consensus of Council that the Mayor should sent a letter to the Executive Director of New Jersey Transit.

**Michael Heine, 206 Carriage House Lane**, asked what Council's intention are regarding the redevelopment discussion item on next week's agenda. Mr. Gilmore said it was a general discussion and a possible first reading. Mr. Gilmore stated that Council has to discuss the draft document first to determine if this is what they want.

**Lauren Lewonski, 515 Howard Street**, would like to see the noise ordinance encompass things like the restaurant next door to her. Ms. Lewonski stressed the fact that the restaurant owners still violate their hours of operation as specified in the site plan approval. Mrs. Alls-Moffatt commented that she would like to abstain on this issue because she really does not know what else we can do to accommodate Ms. Lewonski. Mrs. Villari believes the owner should be in compliance with the agreement. Mrs. Villari asked if the police should be involved. A discussion then ensued. Chief Norcross Chief suggested that Ms. Lewonski contact central (829-1211) when specific violations occur. That way an incident report will be written. Ms. Lewonski also expressed concern that she is unable to park in front of her property because of the restaurant business. Mr. Cesaretti commented that she will be informed when the next parking committee meeting takes place. Ms. Lewonski stated that everytime she comes before Council for a designated parking space in front of her property, she is denied. She feels the Borough favors the businesses and not the residential property owners.

**Chris Halt, 400 Linden Avenue**, asked if the Borough is allowed to own and operate business properties. The response was yes. Mr. Halt suggested that the Borough purchase the Nuway Shopping Center, put in a mix of age restricted housing, some commercial, and also place municipal offices at that location. That would increase our tax base.

**Robert E. Smyth, 1 Bank Avenue**, thinks Mr. Halt's idea is a great one. Mr. Smyth stated that Collingswood did something similar and that it might be a good idea if we contacted them to gather information.

**Aleta Hoeffler, 513 Howard Street**, also complained about the restaurant's hours of operation. She also believes that the restaurant has been given priority over the people who live near that establishment. Our Solicitor stated that the approving Planning Board Site Plan Resolution for the establishment in question should be reviewed

Mrs. Hoeffler stated that even though the Borough placed a handicapped parking sign in front of her home (her husband is handicapped), they are unable to park in front of their home because other people utilize this space. She spoke to someone at the State level who indicated that there are ways the municipality can designate a parking space for her and her husband at this location. Chief Norcross commented that he has spoken to a representative from Trenton and has been told that there is no statute to back this up. It would not be enforceable. Our Solicitor commented that he would research this.

#### **RESOLUTION 98-04**

#### **A RESOLUTION AUTHORIZING THE RIVERTON POLICE DEPARTMENT TO AUCTION 7 VEHICLES PREVIOUSLY IMPOUNDED (IN FULL IN RESOLUTION BOOK)**

The Solicitor reported that after reviewing this issue with the Chief of Police that he is recommending that Council approve this Resolution tonight.

The above Resolution was read by title only by Mr. Smyth, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

#### **RESOLUTION 99-04**

#### **A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT C.231 1975 (IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Smyth, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that contract negotiations and personnel will be discussed.

At this time Mr. Smyth moved that we return to public session. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

**RESOLUTION 100-04**

**A RESOLUTION AUTHORIZING OVERTIME FOR THE PUBLIC  
WORKS MANAGER FOR 2004  
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mrs. Villari, who moved for its adoption. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

There being no further business to discuss, Mr. Cesaretti moved that the meeting be adjourned. This was seconded by Mr. Gilmore, with all present voting in the affirmative.

Mary Longbottom, RMC  
Municipal Clerk